

STATEMENT OF PURPOSE

RS21549

This bill amends the statute governing Conditional Use Permits to address issues arising from the recent Idaho Supreme Court decision in Burns Holdings, LLC v. Teton County Board of Commissioners, 2012 Op. No. 19 (January 25, 2012).

The court decision interpreted the law contrary to legislative intent and to practices that have been followed for over 30 years, and places in question prior permits issued through an otherwise valid hearing process. Consequently, the bill does three things. First, it clarifies that the Legislature intended the conditional use permit to be a process through which waivers of or exceptions to zoning standards could be permitted. Second, it strengthens notice requirements to those owning property near a property for which a conditional use permit is being sought. Finally, it makes the application of the clarified conditional use permit language retroactive to demonstrate that this was the Legislature's original intent. Retroactivity, however, is only applied to the permitting standards originally intended, and does not retroactively extinguish causes of action for damages including diminishment of valuation.

FISCAL NOTE

No fiscal impact to the general fund.

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